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Subject: 8/26/16 Call Summary and Next Steps - USM
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Hello Steve and Jack,

Thanks for speaking with me yesterday Steve and your time on Friday Jack. Below is Carolyn and Audrey's summary of Friday's call. Jack please let us know if it looks correct to you or if we missed anything.

Also please provide us any thoughts you might have the next steps. For the May 2016 AUL amendment, Steve and I discussed that DEP will take a look at this amendment in a little more detail and then determine whether a formal audit is appropriate.

Thanks again to both of you for your assistance.

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Call w/EPA and MassDEP – Friday August 26, 2016
USM/Cummings Center Beverly MA

The following is a summary of a conference call between EPA and MassDEP, held on 8/26/16, along with a recommendation on next steps. The participants on the conference call were: Carolyn Casey, EPA RCRA project manager; Audrey Zucker, EPA attorney; and Jack Miano, Chief, Site Management Section, Bureau of Waste Site Clean-up.

Summary of Conference Call

During negotiations, Cummings suggested that it was considering closing all of the schools and day care facilities on the property (two of four have already been or will be closed) and reverting back to its original AUL, which prohibited most residential use/day care use on the property. On our conference call, EPA and DEP agreed that Cummings could choose to revert back to its original AUL. Doing so, would require Cummings to record a revised AUL. The original AUL recorded on the property, which prohibited residential use and day care use, was filed with the intent that additional investigation would be warranted with change in use, new construction, or excavation etc. (refer to the original AUL BK 13533 PG 571).

Cummings also asked EPA whether it could simply close the existing day care (suite 157J) and prohibit day care/school use at the four locations in question (Building 500, 600, and 100 – suites 157j and 149j). EPA and DEP did not believe that this approach was acceptable because it would allow Cummings to simply move its day care facilities to another location on the property without further investigation. Given the VI investigation data gaps in building 500, 600, and possibly other suites in building 100, Cummings should revert to its original AUL, and evaluate whether additional investigation is necessary on other locations prior to re-instituting use for day care/school purposes.

In addition, once day care/school use is no longer allowed, then the question becomes do the VI levels at property locations exceed commercial/industrial standards. The data currently indicates that at Suite 157j, the risk is at the hazard index of 1. Because the risk limit is not exceeded, there is no significant risk as defined by the MCP. (Although the available data is limited) For this reason, DEP would recommend (but not require) an evaluation to determine whether background levels can be achieved. This evaluation can take cost and feasibility into account. As part of the recommendation, Cummings should immediately filter the air (add carbon to the HVAC) and attempt to achieve a positive pressure in the building.

Regarding the condominium development in the south west corner of the site, it is near completion and Cummings Properties did not indicate any SSDS or vapor barrier during the meeting with EPA on 8/23/16. Depending upon the status of the construction, Cummings may or may not be able to obtain GW data from beneath the building. The current data consists of only 4 test pit soil samples, 10 soil samples and 1 GW sample from 1 monitoring well (potentially up gradient). EPA seeks DEP feedback on whether the amount and type of data is sufficient to support the AUL amendment dated May 2016.

Consistent with the suggestion for making recommendations above, under the MCP Mass DEP could recommend (but not require) that Cummings complete soil gas and IDA sampling when the building is complete and HVAC systems are running.

Recommendations for next steps

1. AUL Amendment dated May 2016

At the August 23rd meeting EPA learned that Cummings recorded an AUL amendment in May 2016. EPA would like to request that MassDEP conduct a review/audit of the May 2016 AUL Amendment. EPA's concerns include, but are not limited the following:

Data gaps, including extremely limited data used to support Cummings determination that the potential for vapor intrusion does not exist: 4 test pit soil samples, 10 soil samples and 1 GW sample –ND for (TPH and VOCs) from 1 monitoring well (potentially up gradient). Soil samples were collected from 1.5-3 feet below grade.

GW flow direction is not well defined: There were several USTs located in the vicinity of this residential parcel. Remediation of 111TCA including NAPL, took place near the aluminum last building.

2. EPA negotiations with Cummings

EPA plans to advise Cummings that all of the investigations for VI required under the draft AOC will be required, regardless of whether Cummings reverts to the original AUL for the property. The reason for this conclusion is that in Building 500 and 600 there is insufficient data to determine whether commercial/residential use is appropriate. For Building 100, there is an exceedance that warrants further investigation as to the source (or immediate remediation). Pending DEP's input, EPA may require additional VI investigation for the condominium development.